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| UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY | |
| Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202 Fairfield, NJ 07004 Telephone: 973-575-0707 (local) Attorneys for Secured Creditor | Case No.: 23-10086-SLM Chapter 7 Hearing Date: August 26, 2025 Judge: Stacey L. Meisel |
| In Re: Michael Moshe Cohen Debtor. | |

**RESPONSE TO MOTION TO SELL PROPERTY FREE AND CLEAR OF LIENS UNDER
SECTION 363(F)**

U.S. BANK N.A., AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE J.P. MORGAN MORTGAGE TRUST 2007-S3 MORTGAGE PASS-THROUGH CERTIFICATES (“Secured Creditor”), by and through undersigned counsel, hereby files its Response to Motion to Sell Property Free and Clear of Liens under Section 363(f). (“Motion”) (DE# 190) filed by Trustee, Ilissa Churgin Hook, by and through Counsel and, in support thereof, states as follows:

1. Debtor, **Michael Moshe Cohen** (“Debtors”) filed the instant Chapter 13 Petition on January 04, 2023 (the “Petition Date”).
2. Secured Creditor holds a security interest in the Debtor’s real property located 7 Stanford Court West Orange, NJ 07052 (the “Property”) by virtue of a Mortgage in the principal amount of \$447,200.00 recorded in Book 12047, Page 7511 in the Office of the Clerk/Register of Deeds for Essex County, New Jersey (the “Mortgage”).
3. Trustee’s Motion seeks Court approval for the sale of the Property for a proposed sale price of \$525,000.00
4. As of August 5, 2025, the estimated amount due under the terms of the Secured Creditor’s lien is \$474,627.24. This amount should not be relied upon to pay off the loan as interest and additional advances may come due prior to the date of the proposed sale. Please

contact Select Portfolio Servicing the servicer at 1-800-258-8602 for an updated payoff at or near the scheduled closing of the sale

5. As indicated in the Motion papers, the Trustee proposes to pay the Secured Creditor's claim based upon the proof of claim that was filed on August 28, 2024.

6. The proof of claim does not account for post-petition escrow payments and other amounts that were paid by the Secured Creditor since that proof of claim was filed. As such, the Trustee cannot reasonably rely on that document as the basis for the payoff on this loan.

7. Secured Creditor does not object to the Trustee's Motion to the extent that any sale is subject to Secured Creditor's lien and that Secured Creditor's lien will be paid in full at the closing of said sale based upon an up to date payoff quote.

6. Secured Creditor is filing its Response in an abundance of caution, as Secured Creditor wants it to be clear that it should not be compelled to participate in a sale of the property absent payment in full of Secured Creditor's mortgage lien on the real property without being given the right to credit bid pursuant to 11 U.S.C. § 363(k).

7. Furthermore, Secured Creditor requests that failure to complete any sale within 90-days of entry of this Order will result in any Order authorizing the sale to be deemed moot.

8. Secured Creditor reserves the right to supplement this response at or prior to any hearing on this matter.

WHEREFORE, Secured Creditor respectfully requests entry of an order denying the Debtors' Motion and for such other relief as the Court deems just and proper.

**Robertson, Anschutz, Schneid,
Crane & Partners, PLLC**
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CERTIFICATION OF SERVICE

1. I, Kenneth J. Borger, represent U.S. BANK N.A., AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE J.P. MORGAN MORTGAGE TRUST 2007-S3 MORTGAGE PASS-THROUGH CERTIFICATES in this matter.
2. On August 8, 2025, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below. Motion to Sell.
3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

August 8, 2025

**Robertson, Anschutz, Schneid,
Crane & Partners, PLLC**
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Fairfield, NJ 07004
Telephone: 973-575-0707
Attorneys for Secured Creditor

By: /s/Kenneth Borger
Kenneth J. Borger, Esq.
NJ Bar ID: 171092015
Email: kborger@raslg.com

| <u>Name and Address of Party Served</u> | <u>Relationship of Party to the Case</u> | <u>Mode of Service</u> |
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| Geoffrey P. Neumann Broege, Neumann, Fischer & Shaver, LLC 25 Abe Voorhees Drive Manasquan, NJ 08736 | Attorney for Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| Michael Moshe Cohen 7 Stanford Court West Orange, NJ 07052 | Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| Jack A Shaw 429 W 1st Ave Runnemede, NJ 08078 | Co-Debtor | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| Ilissa Churgin Hook Norgaard, O'Boyle & Hannon 184 Grand Avenue Englewood, NJ 07631 | Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |
| United States Trustee Office of the United States Trustee One Newark Center Suite 2100 Newark, NJ 07102 | U.S. Trustee | <input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other <hr/> (as authorized by the court*) |